

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-471

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008

To amend, on an emergency basis, Chapter 3 of Title 25 of the District of Columbia Official Code to proscribe the sales of single containers of beer, malt liquor, or ale, as well as spirits (liquor) sold in half-pints or smaller volumes, by off-premises retailers located in Mt. Pleasant, in Ward 1; Advisory Neighborhood Commissions 2C, 2E, and 2F, in Ward 2; and in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mt. Pleasant, Targeted Ward 2, and Ward 6 Single Sales Moratorium Emergency Act of 2008".

Sec. 2. Chapter 3 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Subchapter III is amended by adding 3 new section designations to read as follows:

"§ 25-344. Special Restrictions for off-premises retailer's license in Mt. Pleasant.

"§ 25-345. Ward 2 Special Restrictions - Advisory Neighborhood Commissions 2C, 2E, and 2F.

"§ 25-346. Ward 6 Restrictions."

(b) A new section 25-344 is added to read as follows:

"§ 25-344. Special Restrictions for off-premises retailer's license in Mt. Pleasant.

"(a) For the purposes of this section, the term "Mt. Pleasant" means the area defined as ANC-1D: delimited by Piney Branch Parkway to the North, 16th Street to the East, Harvard Street to the South, and Adams Mill and Klinge Roads to the West, on the effective date of this section.

"(b) A licensee under an off-premises retailer's license in Mt. Pleasant, class A or B, shall not divide a manufacturer's package of more than one container of beer, malt liquor, ale, or spirits (liquor), to sell an individual container of the package if the capacity of the individual container is 70 ounces or less.

"(c) A licensee under an off-premises retailer's license in Mt. Pleasant, class A or B, shall not sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale

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with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.”.

(c) A new section 25-345 is added to read as follows:

“§ 25-345. Ward 2 Special Restrictions--Advisory Neighborhood Commissions 2C, 2E, and 2F.

“(a) For the purposes of this section, the term:

“(1) “ANC 2C”, means the Advisory Neighborhood Commission described in “Description of ANC 2C Boundaries” in section 2(a) of the Advisory Neighborhood Commissions Boundaries Act of 2002, effective May 10, 2002 (D.C. Law 14-133; 49 DCR 2568).

“(2) “ANC 2E”, means the Advisory Neighborhood Commission described in “Description of ANC 2E Boundaries” in section 2(a) of the Advisory Neighborhood Commissions Boundaries Act of 2002, effective May 10, 2002 (D.C. Law 14-133; 49 DCR 2568).

“(3) “ANC 2F”, means the Advisory Neighborhood Commission described in “Description of ANC 2F Boundaries” in section 2(a) of the Advisory Neighborhood Commissions Boundaries Act of 2002, effective May 10, 2002 (D.C. Law 14-133; 49 DCR 2568).

“(b) A licensee under an off-premises retailer’s license, class A or B, located in ANC 2C, ANC 2E, or ANC 2F, shall not:

“(1) Divide a manufacturer’s package of more than one container of beer, malt liquor, ale, or spirits (liquor) to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

“(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.

“(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

“(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

“(A) The input, if any, of the ANC in which the licensee is located, which shall be given great weight;

“(B) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sale to persons without a valid identification;

“(C) Evidence of licensee participation in the community, such as attendance at Advisory Neighborhood Commission and Police Service Area community meetings; and

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“(D) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment.

“(3) A new licensee under an off-premises retailer’s license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this Title.

“(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as defined in this Title.

“(e) The restrictions in subsection (b) of this section shall take effect 90 days from the effective date of this section.”.

(d) A new section 25-346 is added to read as follows:

“§ 25-346. Ward 6 Restrictions.

“(a) For the purposes of this section, the term:

“(1) “Ward 6”, means the area defined as Ward VI in § 1-1041.03 on the effective date of this section.

“(b) A licensee under an off-premises retailer’s license, class A or B, located in Ward 6 shall not:

“(1) Divide a manufacturer's package of more than one container of beer, malt liquor, ale, or spirits (liquor) to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

“(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.

“(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

“(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

“(A) The input, if any, of the ANC in which the licensee is located, which shall be given great weight;

“(B) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sale to persons without a valid identification;

“(C) Evidence of licensee participation in the community, such as attendance at Advisory Neighborhood Commission and Police Service Area community meetings; and

“(D) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment).

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“(3) A new licensee under an off-premises retailer’s license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this Title.

“(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as defined in this Title.

“(e) The restrictions in subsection (b) of this section shall take effect 90 days from the effective date of this section.”.

Sec. 3. Rules.

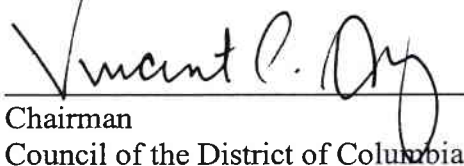
The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.

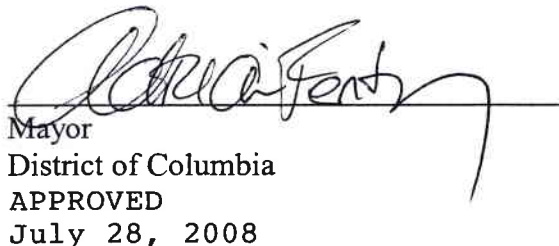
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
July 28, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-472

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To provide for the installation of electronic message boards adjacent to the John A. Wilson Building and on public space near Nationals Park to display the dollar amount of federal taxes paid by District of Columbia residents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Taxation Without Representation Federal Tax Pay-Out Message Board Installation Act of 2008".

Sec. 2 (a) Notwithstanding any other law or regulation, the Council of the District of Columbia shall install, adjacent to the outside front wall of the John A. Wilson Building, a programmable electronic message board sign showing the dollar amount of federal taxes paid by the residents of the District of Columbia.

(b) Notwithstanding any other law or regulation, the Mayor shall install, on public space within 200 feet of the baseball stadium, currently called Nationals Park, a programmable electronic message board sign showing the dollar amount of federal taxes paid by the residents of the District of Columbia.

(c) The signs shall be large enough for the public to easily read and designed and placed in such a location so as not to deter from the architectural character of the exterior of the John A. Wilson Building or the exterior of Nationals Park.

(d) Preference for the design, manufacture, installation, and maintenance of the signs shall be given to businesses certified as small, local, or disadvantaged business enterprises by the Department of Small and Local Business Development.

Sec. 3. Applicability.

Section 2(b) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

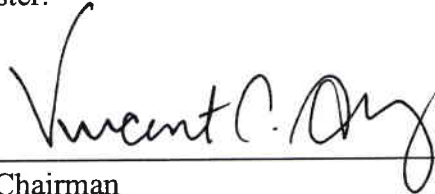
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the July 1, 2008, fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 28, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-473

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008Codification
District of
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Official Code

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To amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to provide conditions for the construction of new streets being dedicated to the District and to allow for nonconforming, narrower street width or building-line setback under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Street and Alley Closing and Acquisition Procedures Amendment Act of 2008".

Sec. 2. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 9-201.01) is amended by adding a new paragraph (2A) to read as follows:

"(2A) "DDOT" means the District Department of Transportation."

(b) Section 303 (D.C. Official Code § 9-203.03) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) New subsections (b) and (c) are added to read as follows:

"(b) An application to dedicate land to establish a minor street that would not meet the requirements of section 304 shall be accompanied by a document signed by the Mayor, stating that the Mayor has authorized the nonconforming street width or building-line setback.

"(c) When the Council makes street construction a condition for the dedication of land for street purposes, the Surveyor shall not record a dedication plat until DDOT has issued a written statement ("DDOT Statement") that:

"(1) The owner of the property to be dedicated has constructed the street improvements in accordance with the Council's conditions, DDOT's standard and specifications, and any plans required and approved by DDOT; and

"(2) The owner of the property being dedicated has signed a document, which shall be attached to the DDOT Statement, that indemnifies and holds harmless the District and

Amend
§ 9-201.01Amend
§ 9-203.03

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all of its officers, agents, and servants against any and all claims or liability arising from or based on, or as a consequence or result of, any latent defects, act, omission, or default of the owner of the property, his employees, agents, servants, contractors, or subcontractors, in the performance of, or in connection with, any work required, contemplated, or performed in connection with the construction of the street.”.

(c) Section 304 (D.C. Official Code § 9-203.04) is amended by striking the phrase “In any” and inserting the phrase “Except as provided in section 303(b) and (c), and any regulations issued pursuant to section 303(b) or (c), in any” in its place.

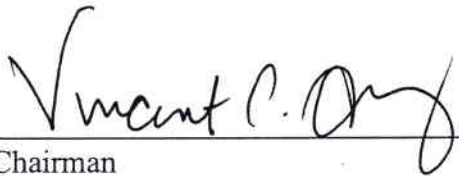
Amend
§ 9-203.04

Sec. 3. Fiscal impact statement.

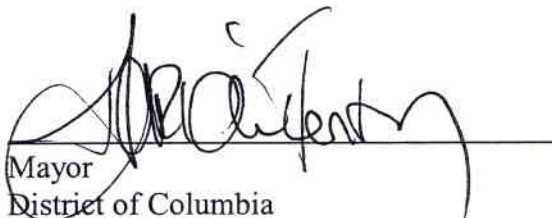
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-474

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008

To order the closing of a public alley in the southwest corner of Square 700, bounded by M Street, S.E., Half Street, S.E., N Street, S.E., and South Capitol Street, in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 700, S.O. 07-9626, Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the public alley in the southwest corner of Square 700, as shown on the Surveyor's plat filed under S.O. 07-9626, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 4. Fiscal impact statement.

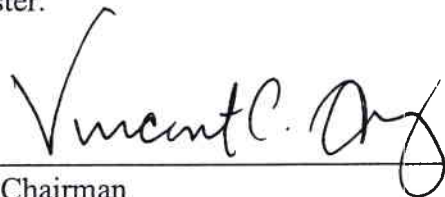
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

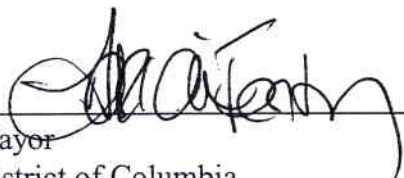
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

A handwritten signature in black ink, appearing to read "Vincent C. Gray", written over a horizontal line.

Chairman
Council of the District of Columbia

A handwritten signature in black ink, appearing to read "M. Gray", written over a horizontal line.

Mayor
District of Columbia

APPROVED

July 28, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-475

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008

To amend the Rental Housing Conversion and Sale Act of 1980 to require an owner to provide by certified mail a written copy of an offer of sale to both tenants and the Mayor on the same day, and to commence the time period tenants have to file a statement of interest in purchasing the housing accommodation on the day when tenants or the Mayor receive notice, whichever is later.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Opportunity to Purchase Notification Amendment Act of 2008".

Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended as follows:

(a) The lead-in language to section 403 (D.C. Official Code § 42-3404.03) is amended to read as follows:

"The owner shall provide each tenant a written copy of the offer of sale by certified mail and post a copy of the offer of sale in a conspicuous place in common areas of the housing accommodation if it consists of more than one unit. The owner shall provide the Mayor with a written copy of the offer of sale by certified mail or by filing it with the Conversion and Sale Administrator within the Department of Housing and Community Development. The owner shall certify to the Mayor that the Mayor and each tenant were provided copies of the offer of sale on the same day. An offer includes, at a minimum:".

(b) The first sentence of section 409(1) (D.C. Official Code § 42-3404.09(1)) is amended to read as follows:

"Upon receipt of a written offer of sale from the owner that includes a description of the tenant's rights and obligations under this section, or upon the Mayor's receipt of a copy of the written offer of sale, whichever is later, the tenant shall have 30 days to provide the owner and the Mayor with a written statement of interest."

(c) The second sentence of section 410(1) (D.C. Official Code § 42-3404.10(1)) is amended to read as follows:

"Upon receipt of a written offer of sale from the owner that includes a description of the

ENROLLED ORIGINAL

tenant's rights and obligations under this section, or upon the Mayor's receipt of a copy of the written offer of sale, whichever is later, a group of tenants acting jointly shall have 15 days to provide the owner and the Mayor with a written statement of interest."

(d) Section 411(1) (D.C. Official Code § 42-3404.11(1)) is amended as follows:

(1) The first sentence is amended by striking the phrase "within 45 days of receipt of a valid offer" and inserting the phrase "within 45 days of receipt of a valid offer or the Mayor's receipt of a copy of a valid offer, whichever is later" in its place.

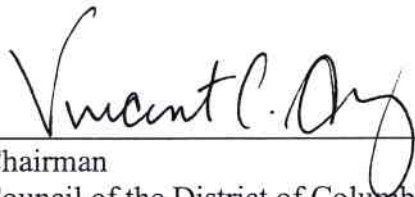
(2) The second sentence is amended by striking the phrase "within 30 days of receipt of a valid offer" and inserting the phrase "within 30 days of receipt of a valid offer or the Mayor's receipt of a valid offer, whichever is later" in its place.

Sec.3. Fiscal impact statement.

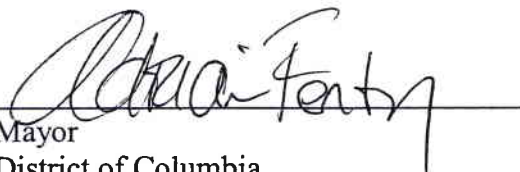
The Council adopts the July 1, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-476

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
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Publisher

To amend the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to require that members of the Fire and Emergency Medical Services Department who sustain severe performance-of-duty injuries or illnesses shall have an extension of the allowable work days in a less-than-full-duty status from 64 days to 170 days, and to require the department to assign those members non-firefighting duties if they continue to be unable to perform the full range of duties but are able to work in a less-than-full-duty capacity after expiration of the 170 days.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Injured Fire Fighter Relief Amendment Act of 2008".

Sec. 2. Section 623 of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-633), is amended as follows:

Amend
§ 5-633

(a) Subsection (a) is amended by striking the phrase "subsection (e)" and inserting the phrase "subsections (e) and (g)" in its place.

(b) Subsection (b) is amended by striking the word "If" and inserting the phrase "Except as provided in subsection (g) of this section, if" in its place.

(c) Subsection (d) is amended by striking the phrase "subsections (e) and (f)" and inserting the phrase "subsections (e), (f), and (g)" in its place.

(d) A new subsection (g) is added to read as follows:

"(g)(1) If a member of the Fire and Emergency Medical Services Department has sustained, in the performance of duty at the scene of a fire or emergency, any serious or life-threatening injury or illness for which the member requires critical care treatment in a hospital intensive care unit or its equivalent, the member shall not be processed for retirement pursuant to subsection (b) or subsection (d) of this section unless the member:

"(A) As a result of the injury or illness sustained, has spent more than 170 cumulative work days in a less-than-full-duty status over the 2-year period following the

ENROLLED ORIGINAL

date the member sustained the injury or illness; and

“(B) Is unable to work in a less-than-full-duty capacity within the Department.

“(2) The member shall be provided with additional non-chargeable medical leave and disability compensation pay pursuant to subsection (a) of this section until the member achieves maximum medical improvement or is processed for retirement after having spent more than 170 cumulative work days in less-than-full-duty status over the 2-year period.

“(3)(A) A member who has spent more than 170 cumulative work days in less-than-full-duty status over the 2-year period pursuant to paragraph (1) of this subsection and continues to be unable to perform the full range of duties shall not be processed involuntarily for retirement under section 12(g) if the member is able and willing to work in any less-than-full-duty capacity within the Department, including staffing the divisions of the Training Academy, Professional Standards, Fleet Management, Facilities Maintenance, Fire Prevention and Education, and equipment maintenance, or other non-firefighting duty.

“(B) The Department shall assign the member non-firefighting duties if the member continues to be unable to perform the full range of duties but is able and willing to work in a less-than-full-duty capacity after expiration of the 170 days.

“(C) Nothing in this paragraph shall be construed as preventing the member from seeking retirement for disability under section 12(g).”.

Sec. 3. Fiscal impact statement.

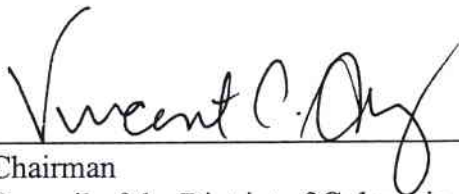
The Council adopts the June 17, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

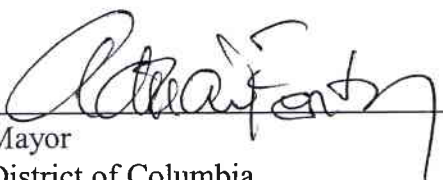
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-477

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008*Codification
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To amend the District of Columbia Election Code of 1955 to allow 17-year-olds to pre-register to vote.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Student Voter Registration Amendment Act of 2008".

Sec. 2. Section 7 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 703; D.C. Official Code § 1-1001.07), is amended as follows:

Amend
§ 1-1001.07

(a) A new subsection (a-2) is added to read as follows:

"(a-2) A person who is otherwise qualified may pre-register on or after that person's 17th birthday and may vote in any election occurring on or after that person's 18th birthday, but under no circumstances before the person's 18th birthday."

(b) Subsection (b) is amended by adding a new paragraph (4) to read as follows:

"(4) The Board shall state on voter registration forms that no one may vote before his or her 18th birthday."

(c) Subsection (e)(2) is amended by adding a new 2nd sentence to read as follows:

"The voter registration notification shall state that the applicant shall not vote before her or his 18th birthday."

Sec. 3. Fiscal impact statement.

The Council adopts the July 15, 2008 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

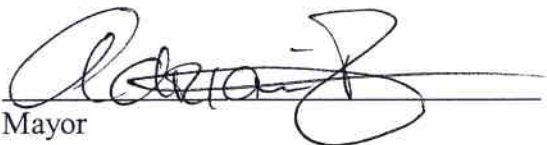
ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

July 28, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-478

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008

To amend, on a temporary basis, An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to include construction code and property maintenance code violations as bases for summary correction of life or health threatening conditions and to revise the service of process rules; to amend the Rental Housing Conversion and Sale Act of 1980 to extend relocation and storage expense assistance to displaced tenants while a condemnation proceeding is pending and to set the amount of relocation and storage expenses available to such tenants; to amend the Rental Housing Act of 1985 to clarify the Mayor's right to inspect housing accommodations and to apply for administrative search warrants to gain access where a landlord or tenant fails to cooperate with attempts at authorized inspections; to amend the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 to add construction and property maintenance code violations as bases for the appointment of a tenant receivership, to remove the 50% limit on the amount of rent available for abatement actions by a receiver; that a receiver may be ordered where a rental housing accommodation is operated in a manner that demonstrates a pattern of neglect for the property for 30 successive days, to provide that service of notices of violation may be effected by posting the notices in or about the property, and to provide that a court may in appropriate circumstances order a respondent to contribute funds in addition to amounts collected as rent for the abatement of housing code violations; and to amend Title 14 of the District of Columbia Municipal Regulations to permit civil and criminal sanctions for housing code violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abatement of Nuisance Properties and Tenant Receivership Temporary Amendment Act of 2008".

Sec. 2. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 1(c)(1) (D.C. Official Code § 42-3131.01(c)(1)) is amended by striking the phrase "housing regulation violations" and inserting the phrase "housing regulation violations or violations of the construction codes, including the property maintenance code," in its place.

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(b) Section 3(3) and (4) (D.C. Official Code § 42-3131.03(3) and (4)) are amended to read as follows:

“(3) If no such office can be found in the District by reasonable search, if forwarded by first-class mail to the last-known address of the person to be notified, or the person’s agent, as determined by the tax records, business license records, or business entity registration records, and not returned by the post office authorities;

“(4) If no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by paragraph (3) of this section shall be returned by the post office authorities, if posted in a conspicuous place in or about the property affected by the notice; or.”.

Sec. 3. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended as follows:

(a) Section 302(b) (D.C. Official Code § 42-3403.02(b)) is amended by striking the phrase “is not required to pay more than \$500 to the tenant” and inserting the phrase “is not required to pay more than \$1,000 to the tenant” in its place.

(b) Section 307(b)(2)(B) (D.C. Official Code § 42-3403.07(b)(2)(B)) is amended to read as follows:

“(B) For relocation payments for tenants displaced from housing that is subject to proceedings under the provisions of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat.157; D.C. Official Code § 6-901 *et seq.*); provided, that:

“(i) Relocation payments may include payments for 2 months of storage, security deposit, 1st month’s rent, actual moving expenses, and other items incidental to the relocation as approved by the Office of the Tenant Advocate.

“(ii) To receive relocation payments, the tenant shall:

“(I) Be low-income;

“(II) Apply for the assistance; and

“(III) Reside or intend to reside within the District of Columbia after condemnation of the housing accommodation.

“(iii) The amount and method of relocation payments shall be determined by the Office of the Tenant Advocate.”.

Sec. 4. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), is amended as follows:

(a) Section 907 (D.C. Official Code § 42-3509.07) is amended by striking the phrase “except titles III and V” and inserting the phrase “except titles III and V and section 908,” in its place.

(b) A new section 908 is added to read as follows:

“Sec. 908. Inspection of rental housing.

“(a) Notwithstanding any other law or rule to the contrary, for the purpose of

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determining whether any housing accommodation is in compliance with applicable housing rules or construction code rules, the Mayor may enter upon and into any lands and tenements in said District, during all reasonable hours, to inspect the same; provided, that if a tenant of a housing business does not give permission to inspect that portion of the premises under the tenant's exclusive control, the Mayor shall not enter that portion of the premises unless the Mayor has:

“(1) A valid administrative search warrant pursuant to subsection (d) of this section which permits the inspection; or

“(2) A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the premises in order to prevent an imminent danger to the public health or welfare.

“(b) Any person who shall hinder, interfere with, or prevent any inspection authorized by this act shall, upon conviction thereof, be punished by a fine not exceeding \$100, by imprisonment for a period not exceeding 3 months, or both, such fine and imprisonment, in the discretion of the court.

“(c) The Mayor may apply to a judge of the District of Columbia for an administrative search warrant to enter any premises to conduct any inspection authorized by subsection (a) of this section.

“(d) A judge may issue the warrant if the judge finds that:

“(1) The applicant is authorized or required by law to make the inspection;

“(2) The applicant has demonstrated that the inspection of the premises is sought as a result of:

“(A) Evidence of an existing violation of the housing regulations, codified in Title 14 of the District of Columbia Municipal Regulations, the construction codes, codified in Title 12 of the District of Columbia Municipal Regulations, or other law; or

“(B) A general and neutral administrative plan to conduct periodic inspections relating to issuance or renewal of housing business licenses or for conducting fire or life safety inspections;

“(3) The owner, tenant, or other individual in charge of the property has denied access to the property, or, after making a reasonable effort, the applicant has been unable to contact any of these individuals; and

“(4) The inspection is sought for health or safety related purposes.”.

Sec. 5. The Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281: D.C. Official Code § 42-3651.01 *et seq.*), is amended as follows:

(a) Section 502 (D.C. Official Code § 42.3651.02) is amended to read as follows:

“Sec. 502. Grounds for appointment of a receiver.

“(a) (1) A receiver may be appointed if a rental housing accommodation has been cited by the Department of Consumer and Regulatory Affairs for a violation of chapters 1 through 16 of Title 14 of the District of Columbia Municipal Regulations or Title 12 of the District of Columbia Municipal Regulations, or its equivalent, which violation poses a serious threat to the

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health, safety, or security of the tenants; and

“(2) The owner, agent, lessor, or manager has been properly notified of the violation but has failed timely to abate the violations; provided, that proper notification shall be deemed to have been effected if a copy of the notice has been served pursuant to applicable law or rule, or as follows:

“(A) By personal service on the property owner, lessor, or manager or the agent thereof; or

“(B) By delivering the notice to the last known home or business address of the property owner, lessor, manager, or agent as identified by the tax records, business license records, or business entity registration records, and leaving it with a person over 16 years of age residing or employed therein; or

“(C) By mailing the notice, via first-class mail postage prepaid, to the last known home or business address of the property owner, lessor, manager, or agent as identified by the tax records, business license records, or business entity registration records; or

“(D) If the notice is returned as undeliverable by the post office authorities, or if no address is known or can be ascertained from the District’s tax, business license, or business entity registration records, by posting a copy of the notice in a conspicuous place in or about the structure affected by the notice.

“(b) A receiver may also be appointed if a rental housing accommodation has been operated in a manner that demonstrates a pattern of neglect for the property for a period of 30 consecutive days and such neglect poses a serious threat to the health, safety, or security of the tenants. For the purposes of this subsection, the term “pattern of neglect” includes all evidence that the owner, agent, lessor, or manager of the rental housing accommodation has maintained the premises in a serious state of disrepair including, vermin or rat infestation, filth or contamination, inadequate ventilation, illumination, sanitary, heating or life safety facilities, inoperative fire suppression or warning equipment, or any other condition that constitutes a hazard to its occupants or to the public.

(b) Section 505 (D.C. Official Code § 42-3651.05) is amended by adding a new subsection (f) to read as follows:

“(f) As part of any order appointing a receiver, or in any plan for abatement presented by a respondent, the Court may, in appropriate circumstances, order that the respondent contribute funds in excess of the rents collected from the rental housing accommodation, for the purposes of abating housing code violations and assuring that any conditions that are a serious threat to the health, safety, or security of the occupants or public are corrected.”.

(c) Section 506(c)(1) (D.C. Official Code § 42-3651.06(c)(1)) is amended by striking the phrase “no more than one-half of”.

Sec. 6. Subsection 102.4 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 102.4), is amended to read as follows:

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"102.4 Civil fines, penalties, and fees may be imposed as additional sanctions for any violation of this chapter or chapters 2 through 14 of this subtitle, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter or chapters 2 through 14 of this subtitle, shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

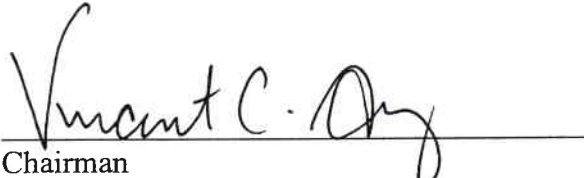
Sec. 7. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer, dated June 30, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
July 28, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-479

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the pay levels for the Executive Schedule for subordinate agency head positions from 5 to 7, and to approve the proposed compensation system change submitted by the Mayor regarding the salary of the Director of the Office of Public Education Facilities Modernization Allen Lew.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Temporary Amendment Act of 2008".

Sec. 2. Section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), is amended as follows:

(1) Subsection (a) is amended by striking the number "5" and inserting the number "7" in its place.

(2) Subsection (b) is amended to read as follows:

"(b)(1) The Mayor shall designate the appropriate pay level for each subordinate agency head position based on market analyses and other relevant criteria; provided, that any salary on the E6 or E7 pay grade shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed salary within the 45-day period, the proposed salary shall be deemed disapproved.

"(2) Notwithstanding paragraph (1) of this subsection, Council approval is not required for the salary for Allen Lew as the Director of the Office of Public Education Facilities Modernization, upon the expiration of the Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007, effective November 24, 2008 (D.C. Law 17-56; 54 DCR 10034)."

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Sec. 3. Pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), the Council approves the proposed compensation system changes recommended by the Mayor to the Executive Schedule for subordinate agency head positions to add the rates of pay for newly established pay grades E6 and E7, which were transmitted to the Council by the Mayor on June 30, 2008, and which provide as follows:

District of Columbia Salary Schedule:

Executive Schedule



Fiscal Year: 2008/2009

Service Code Definition: Executive
Schedule

Effective Date: 07/01/08

**Affected CBU/Service
Code(s):** XXX
A87

Percentage Increase: 0%

Union/Non-union: Non-union

Pay Plan Schedule: DX

Peoplesoft Plan: DX0000

Resolution Number:

Date of Resolution:

<i>Grade</i>	<i>Min</i>	<i>Mid</i>	<i>Max</i>
E1	\$85,284	\$106,605	\$127,926
E2	\$92,746	\$115,901	\$139,056
E3	\$100,848	\$125,964	\$151,081
E4	\$109,590	\$136,859	\$164,129
E5	\$118,651	\$148,874	\$179,096
E6*	\$148,000	\$186,500	\$225,000
E7*	\$185,000	\$232,450	\$279,900

* Proposed new range - positions to be allocated

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Sec. 4. Applicability date.

The compensation system changes approved in section 3 shall be applicable as of July 6, 2008.

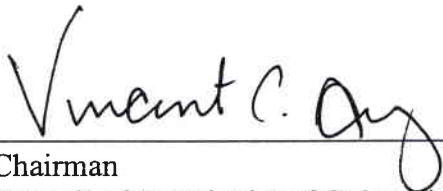
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-480

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the Recreation Act of 2004 to authorize the Recreation Enterprise Fund to be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Recreation Enterprise Fund Temporary Amendment Act of 2008".

Sec. 2. Section 4(b) of the Recreation Act of 2004, effective January 13, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303(b)), is amended as follows:

Note,
§ 10-303

(a) Designate the existing language as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

"(2) Proceeds from the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

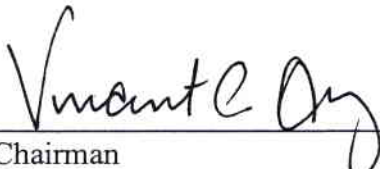
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved


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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2008